

REMARKS

Please reconsider the claims in the application in view of the remarks below.

Claim Rejection – 35 U.S.C. § 112, first paragraph

The Office Action, dated April 28, 2009, rejected claims 1, 3-8 and 11-15 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Particularly the claims currently recite that the second nodes (on a second layer of the hierarchy) are “unknown” to the first nodes of the first layer. The Examiner rejected this as not being described in the specification. In response, applicants amend Claims 1, 4, 6 and 14 to clarify that it is the “start” node initiating communication along a data path that is actually the node that is unaware of the physical nodes (second nodes) that make up a first logical node. No new matter is being entered as full support can be found, for example, in the originally filed specification at page 14, lines 22-23 and Fig. 1 and supporting description. Thus, Claims 1, 4, 6 and 14 are being clarified to distinguish among the types of nodes of a network in which the invention is employed, i.e., physical nodes and logical nodes that comprise physical nodes known only to the logical node.

In view of the foregoing, applicants have obviated the rejection of Claims 1, 3-8, 11-15 based on 35 U.S.C. §112, first paragraph and the Examiner is respectfully requested to withdraw the rejection.

Claim Rejection – 35 U.S.C. § 112, second paragraph

The Office Action rejected claims 13 and 15 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, applicants cancel Claims 13 and 15 without prejudice.

In doing this, applicants have obviated the rejection of Claims 13 - 15 based on 35 U.S.C. § 112, second paragraph and the Examiner is respectfully requested to withdraw the rejection.

Conclusion:

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference might expedite prosecution of this case, applicant respectfully requests that the Examiner call applicant's attorney at (516) 742-4343.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Fischman', with a long horizontal flourish extending to the right.

Steven Fischman
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